

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Third Judicial District, County of Powell

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-18-032
)	
)	D E C I S I O N
JOSIAH WILLIAM-SHANE WRIGHT,)	
)	
Defendant.)	

On October 2, 2018, Defendant was sentenced for Count I: Stalking, a misdemeanor, to the Powell County Jail for one year. As to Count II: Stalking, a felony, Defendant was sentenced to the Montana State Prison for five (5) years. As to Count III: Stalking, a felony, Defendant was sentenced to the Montana State Prison for five (5) years. Count I was ordered to run concurrently to Counts II and III. Counts II and III were ordered to run consecutively to each other. Defendant received credit for time served of 139 days.

On February 22, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was represented by Powell County Deputy Attorney Patrick Moody.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

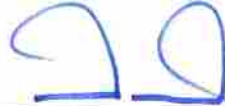
Done in open Court this 22nd day of February, 2019.

DATED this 20th day of March, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



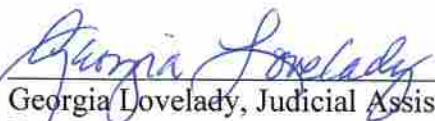
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 26th day
of March, 2019, to:

Clerk of District Court (Original)
Josiah William-Shane Wright #3019636, Defendant (2)
Hon. Kurt Krueger
Brent Getty, Defense Counsel
Patrick Moody, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division